

House File 2408 - Introduced

HOUSE FILE 2408
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 623)

A BILL FOR

- 1 An Act regulating the sale of eggs by grocery stores
- 2 participating in a federal program.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.16A Vendors participating in
2 federal programs — egg sales.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "*Conventional eggs*" means eggs others than specialty
6 eggs.

7 b. "*Eggs*" means shell eggs that are graded as "AA", "A", or
8 "B" pursuant to 7 C.F.R. pt. 56, subpt. A, and that are sold at
9 retail in commercial markets.

10 c. "*Federal food program*" means the special supplemental
11 food program for women, infants, and children as provided in
12 42 U.S.C. §1786, et seq.

13 d. "*Grocery store*" means a food establishment as defined
14 in section 137F.1 licensed by the department of inspections
15 and appeals pursuant to section 137F.4, to sell food or food
16 products to customers intended for preparation or consumption
17 off premises.

18 e. "*Specialty eggs*" means eggs produced by domesticated
19 chickens, and sold at retail in commercial markets if the
20 chickens producing such eggs are advertised as being housed in
21 any of the following environments:

22 (1) Cage-free.

23 (2) Free-range.

24 (3) Enriched colony cage.

25 2. a. The department of inspections and appeals shall
26 assist the Iowa department of public health in adopting rules
27 necessary to implement and administer this section.

28 b. If necessary to implement, administer, and enforce this
29 section, the Iowa department of public health, in cooperation
30 with the department of agriculture and land stewardship, shall
31 submit a request to the United States department of agriculture
32 for a waiver or other exception from regulations as deemed
33 feasible by the Iowa department of public health. The Iowa
34 department of public health shall regularly report the status
35 of such request to the legislative services agency.

1 3. A grocery store that is a vendor participating in a
2 federal food program and offering specialty eggs for retail
3 sale shall maintain an inventory of conventional eggs for
4 retail sale sufficient to meet federal and state requirements
5 for participation in the federal food program.

6 4. This section does not require a grocery store to do any
7 of the following:

8 a. Stock or sell specialty eggs.

9 b. Stock or sell eggs, if the grocery store elects not to
10 stock or sell conventional eggs for retail sale as part of its
11 normal business.

12 c. Comply with the provisions of this section, if the
13 grocery store's inventory of eggs for retail sale was limited
14 to specialty eggs prior to January 1, 2018.

15 5. A violation of subsection 3 by a grocery store
16 shall not be construed to disqualify a grocery store from
17 participating in a federal food program unless otherwise
18 authorized by the United States department of agriculture.

19

EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 GENERAL. This bill applies to a grocery store that
23 participates as a vendor in the special supplemental food
24 program for women, infants, and children (WIC). Under the
25 bill's provisions, if a grocery store carries an inventory of
26 specialty eggs for retail sale it must also carry an inventory
27 of conventional eggs (shell eggs that are not considered
28 specialty eggs) for sale. Under the bill, specialty eggs are
29 described as having been produced by chickens advertised as
30 having been housed in a cage-free, free-range, or enriched
31 colony cage environment.

32 ADMINISTRATIVE RESPONSIBILITIES. WIC is administered by the
33 United States department of agriculture (USDA) in conjunction
34 with the Iowa department of public health (department).
35 Generally, standards for the commercial production and

1 marketing of eggs (by egg-laying hens) are established by
2 several federal agencies including the USDA (21 U.S.C. §1031 et
3 seq.). The bill requires the department of public health to
4 implement, administer, and enforce its provisions, including
5 by: (1) adopting rules in consultation with the department of
6 inspections and appeals, and (2) applying for a waiver from the
7 USDA in cooperation with the department of agriculture and land
8 stewardship if needed.

9 EXCEPTIONS. The bill's provisions do not require a grocery
10 store to: (1) stock eggs if it does not stock specialty eggs
11 for sale or (2) stock conventionally produced eggs for sale if
12 it had not stocked such eggs for sale prior to January 1, 2018.